

FOREST LEGACY

Keeping important forests for future generations

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Looking Good!

Widespread Accomplishments & Increased Appropriation

Forest Legacy Program Appropriation Double Last Year's

Washington DC—

As record numbers of projects became finalized over the past 4 months (see related articles in this update), Congress allocated \$60 million for the Forest Legacy Program for fiscal year 2001—twice the previous year's appropriation. Half of the appropriation was allocated to participating States according to the Forest Legacy Guidelines dated August 15, 1996. On December 20, 2000, the Congressional Appropriations Committees announced projects that would be funded from so-called Title VIII funds. For a complete list of Title VIII funded tracts go to page 3.

South Carolina Marks First Forest Legacy Closing

*By Elizabeth Crane
Atlanta, Georgia*

On December 7, 2000, nearly 200 people witnessed the first South Carolina Forest Legacy closing during a ceremony dedicating the 571-acre Shooting Tree tract part of the Jim Timmerman Natural Resources Area at Jocassee Gorges. South Carolina Department of Natural Resources (SC DNR) purchased the tract outright from Crescent Resources, Inc., a Duke Energy Company. "This tract of land is an extremely important acquisition," said John Frampton, Assistant Director for the SC DNR. "Our conservation partners—both Federal and private—are making a significant contribution." These lands will be managed as a forest demonstration area by the South Carolina Forestry Commission.

Showing support for the project beyond the principal parties, an adjacent landowner and real estate developer, Jim Anthony, donated \$100,000 to the Jocassee Gorges Trust Fund to assist in the management of



A crowd of nearly 200 attended the closing ceremonies for the Shooting Tree tract in South Carolina

Photo by Elizabeth Crane

these lands. "The job that the conservation community has done at Jocassee Gorges really inspired me," said Anthony, long known as a conservationist.

Rob Keck, Executive Vice President of the National Wild Turkey Federation, presented a check in the amount of \$325,000 to the SC DNR for matching funds for the Shooting Tree tract. This along with \$975,000 in Forest Legacy funds and a bargain sale by the landowner of \$127,500, brought the total sale of the land to \$1,427,500.

This land, known for black bear and rare plants, officially became known as the Jim Timmerman Natural Resources Area at Jocassee Gorges.

North Carolina Governor Hunt Celebrates First Forest Legacy Conservation Easement in the South

*By Elizabeth Crane
Atlanta, Georgia*

North Carolina Governor James Hunt said at a December 14, 2000, celebration for the first Forest Legacy conservation easement in the South, "The number of public-private partnerships like the one forged to protect forestland in Brunswick County needs to grow if North Carolina is to reach its goal of protecting an additional 1 million acres of greenspace."

The project was spearheaded by the Town Creek Initiative, a private-public partnership to protect water quality and conserve outstanding natural resources. It involved the State of North Carolina purchasing a conservation easement on International Paper Inc. land near Wilmington.

Members of the Town Creek Initiative, the North Carolina Division of Forest Resources, and the North Carolina Coastal Land Trust sought a \$1.4 million Forest Legacy conservation easement on International Paper's forested uplands of the Davis Farm tract. The North Carolina Coastal Land Trust, through North Carolina's Clean Water Management Trust Fund, is purchasing a conservation easement along the riparian corridor of the same tract for \$888,000. By matching State and Federal dollars, 560 acres are protected from a proposed subdivision and golf course development. International Paper is pleased that they have maintained the company's ability to practice sustainable forestry. The conservation easement will assure maintenance of scenic, cultural, fish, wildlife and recreational resources, riparian areas, and other ecological values.

Land Protected to Date

(Includes donations and State purchases)

State	Acres	Value	Federal Payment
CT	820	\$ 1,302,000	\$ 390,000
IL	83	344,000	252,000
MA	1,252	6,246,000	3,430,000
MD	668	775,000	0
ME	31,398	7,293,000	5,793,000
MN	140	250,000	0
NH	12,797	5,112,000	1,804,000
NJ	2,340	13,112,000	1,662,000
NY	1,555	4,673,000	2,403,000
NC	560	2,288,000	1,400,000
RI	432	920,000	920,000
SC	571	1,428,000	975,000
UT	21,120	15,720,000	3,070,000
VT	50,146	8,262,000	5,707,000
WA	2,913	18,559,000	9,289,000
TOTAL:	126,795	\$86,284,000	\$37,095,000

Washington State Closings

by Ray Abriel
Portland, Oregon

All within 2 miles of the Interstate 90 Mountains to Sound Scenic Byway, three tracts purchased over the past year provide excellent scenic value and protect other values like wildlife, water resources, and traditional forest uses.

Forest Gateway Edge—

The 161 acres of the Forest Gateway Edge Tract was purchased as two separate tracts. Phase I closed on July 27, 2000, with \$1,191,102 from the Forest Legacy Program. Phase II closed on October 9, 2000, with \$610,043 from Forest Legacy. An additional \$680,995 was used for the purchase of both phases with funds acquired through a partnership with the Trust for Public Land, Mountains to Sound Greenway Trust, King County, the Transportation Efficiency Act for the 21st Century, and a private donation.

Leong River Tract—

On September 29, 2000, 55 acres along the Raging River was protected through Forest Legacy. The land, which abuts 1,800 acres of State Trust lands, was for sale on the open market to be converted to single family residences. The conservation easement was leveraged using Forest Legacy funds of \$290,000, along with King County, and Federal and State Endangered Species Act Salmon Recovery funds for a total easement acquirement of \$598,895.

Mitchell Hill East—

After a year of tough negotiation between real estate developers, the Land Conservancy, King County, and Washington State Department of Natural Resources (WDNR), a deal was completed on December 5, 2000, to protect 425 acres on two key properties. \$994,558 in Forest Legacy funds and \$250,000 in King County funds were used for a conservation easement on the 112-acre Mitchell Hill property. The adjacent McCormick property consists of 313 acres and was acquired from a developer using \$120,000 in King County funds and \$3,000,000 in Transfer Development Credit funding.

Bar J Ranch Protected

by Ann Price
Salt Lake City, Utah

Located 15 miles southeast of Salina, Utah, part of the Bar J Ranch, a 5,776-acre parcel surrounded by the Fishlake National Forest, became Utah's sixth Forest Legacy easement. At a closing ceremony on December 22, 2000, Ranch owner Dan Jorgensen said, "Today our Christmas wish has come true. The Bar J Ranch will remain intact forever." His and his wife's Elaine's "wish come true" is Phase 1 of what will be a four-phased project. A cooperative partnership that included funding by The Nature Conservancy and Utah's Quality Growth Commission, as well as a substantial landowner donation, enabled this 2,463-acre easement to be finalized with no Federal Forest Legacy funds. It will protect diverse ecological zones from riparian lowlands to lush aspen forests. Within the next year Phase 2 will use FLP funding, followed by the third phase in 2002.



A rustic wooden fence on the Bar J Ranch

Photo by Kevin Wells

"This is a win-win for Sevier County and a lasting legacy for Utah's future," said Sen. Bob Bennett, R-Utah. "As Utah grows, we must act to conserve our critical natural lands like the Bar J Ranch before it's too late."

Macopin in New Jersey Protected

West Milford Township, NJ—

Phase 3 of the 40,000-acre Newark Watershed project was completed on December 27, 2000. The State of New Jersey's Green Acres Program acquired a conservation easement for \$1,432,000 on 700-acres of Newark Watershed land, known as the Macopin property. The Forest Service contributed \$700,000. The City of Newark will continue to own and manage the underlying fee. As a municipality, the City of

Newark is continuously pressured to sell the land for income, especially since the value of the forested undeveloped land so close to New York City is very high. A conservation easement will protect the land from development, help Newark finance land ownership costs, and protect the quality of Newark's drinking water.

Sterling Forest Addition

Orange County, NY—

Another piece of the Sterling Forest puzzle was secured on December 11, 2000, when an expanse of interior woodland was protected by a full fee purchase. Now 95 percent of the nearly 19,500-acre forest that is a crucial open space and drinking water resource for 2 million people in northern New Jersey is protected. Of the total purchase, 847 acres are for Forest Legacy purposes valued at \$4,270,000, of which \$2,000,000 was Federal Forest Legacy funds. The Palisades Interstate Park Commission (PIPC) will manage the entire 1,065-acre purchase, which includes 90 acres of land with a conference center to be used for environmental education.

Funding for the entire project came from New York State's Environmental Protection Fund, the State of New Jersey and PIPC, with the balance of the purchase price contributed by Trust for Public Land. In addition, the Beaverkill Conservancy, Inc., the land acquisition affiliate of the Open Space Institute, protected 128 acres of the total 1,065 acres in a separate transaction. The Beaverkill Conservancy acquired this land with a grant from the Lila Acheson and DeWitt Wallace Fund for the Hudson Highlands, established by the founders of the Reader's Digest Association, Inc.



Two people enjoying the recreational values of the Sterling Forest

Trust for Public Lands Photo

Forest Legacy Leader Moves Up

By Ted Beauvais
Washington, DC



Ted Beauvais aboard a friend's sailboat

It is with mixed emotions that I leave the role of Forest Legacy Program Manager. The past 8 years have been a tremendous experience I have worked with a great bunch of people who are concerned about the future of our nation's private forests, and who are making a difference. I am looking forward to new challenges while supporting the Forest Legacy Program as Assistant Director for Landowner and Community Assistance Programs.

Looking back over the short history of the Forest Legacy Program, a few milestones emerge from where I sit.

Rescission—The loss of \$7.8 million of Forest Legacy funds in 1995 took away some of the unspent funds from prior years. It was a real wake-up call to the program and may have lead to the following.

State grant option—This was a major turning point, allowing States to do the acquisition work that had previously been the exclusive domain of the Forest Service. It now represents the vast majority of Forest Legacy acquisitions.

Land trust support—Forest Legacy grew when land trusts realized it could be a useful and compatible tool to meet their

objectives, and they have supported the program from specific projects to the national scene.

Expansion beyond the Northeast—Forest Legacy was a natural fit in the Northeast. The program has expanded and done very well in Washington and Utah. Now with 24 States and territories in the program, it is operating in all parts of the country, customized to the situation and needs of each active State.

There are some challenges and opportunities we need to face in the coming months and years.

Focusing on results—Completing high quality, highly leveraged projects in a timely fashion. To compete for funds, we have to show that we have made good use of the funds we already have. Congress and taxpayers expect, and deserve, no less.

Paying attention to details—Making sure appraisals meet Federal standards. Drafting the strongest and most enforceable easement.

Follow through—Doing the annual monitoring and documenting it. Taking enforcement action when needed. Making certain that the public investment will still be producing public benefits a hundred years from now.

Avoiding the pitfalls of forever wild and forever logging in drafting easements—If we steer clear of exerting too much control over decisions related to forest management, we will all be better served. Forest Legacy is not intended to either prohibit or require logging. I see little benefit, and some peril, in going in either direction.

Using conservation easements where they make sense—If the need for public control of resource management decisions, public access, or other compelling public values is very high, then fee simple purchase from a willing seller may be the better choice.

Continuing to respect private property rights—Working only with willing sellers. Walking away when agreement cannot be reached and redirecting resources to the next priority project.

Thanks to everyone who works so hard to make this program a success.

A Forest Landowner's Guide to Internet Resources—States of the Northeast

By Mark Buccowich
Newtown Square, PA

The computer-using forest landowner is part of a growing community. Hits on some States' websites give an indication of how important the web has become as a source of information for not just landowners, but others interested in natural resource related information. In Virginia, the Department of Forestry website averages 80,000 hits each month. In New York State, the Department of Environmental Conservation website is getting about 125,000 hits each month (up from 15,000 per month, 1 year ago).

The amount of web-based information

available to nonindustrial private forest landowners is impressive, but where to start? Even when you know what you're looking for, finding that information can be a time consuming process.

As a service to forest landowners of the Northeast, the USDA Forest Service, State and Private Forestry developed a guide to highlight resources (documents, publications, fact sheets). This guide presents information both by subject and by State. It presents a snapshot of what is available now. We anticipate updating the website every 6 months to remove those sites that have disappeared and add new sites as appropriate.

Visit: <http://www.na.fs.fed.us/pubs/misc/ir/index.htm>. A printable, PDF version of the guide is available at the same address.

Year 2001 Title VIII Funding List from page 1

State	Tract	Amount
HI	Papa Parcel	\$1,700,000
IN	Gnaw Bone Camp	1,700,000
ME	West Branch 2	8,350,000
MT	Thompson / Fisher 2	3,520,000
NH	Pond of Safety 2	1,000,000
NC	Town Creek 2	1,750,000
PR	Karst Initiative / Rio Encantato	400,000
SC	Coastal Forest Ecosystem	5,000,000
TN	North Chickamauga Creek	1,500,000
UT	Range Creek	300,000
UT	Summit Park	780,000
UT	Bar J Ranch	1,200,000
WA	Issaquah Creek Headwaters 2	2,800,000

National Forest Legacy Web Site
<http://www.fs.fed.us/spf/coop/flp.htm>

This Forest Legacy Periodic Update
can be found at:
<http://willow.ncfes.umn.edu/whatnew.htm>

Do Forever Logging or Forever Wild Conservation Easements Have a Place in Forest Legacy?

*By Deirdre Raimo
Durham, New Hampshire*

Conservation easements on forestland have evolved from a simple prohibition of development to the more complex management plan requirements. Easements with forest management stipulations are known as working forest conservation easements. Considering that a conservation easement lasts perpetually, its specific restrictions should be those that make sense when thinking in terms of forever. A steady state does not exist in the environment, nor in our communities. Because of the variability of nature and our man-made environment, an absolute stipulation such as, logging will occur every year (referred to as "forever logging" by some) or no logging will ever occur (referred to as "forever wild" by many) may have unforeseen consequences. Rather than write a very restrictive stipulation that is to last forever, a more prudent act is for the entity that wants to restrict the land to purchase it outright. An outright purchase gives the entity the control over management and leaves decisions for future generations.



Both conservation easements and fee purchases are options in the Forest Legacy Program. Each State focuses its program differently to address its own specific situations. Public benefits amass from forests on both environmental and economic bases. The Forest Legacy Law expressly focuses on environmental values. However, implicitly by highlighting conservation easements and the resulting relationship with a landowner who manages the land, one may infer that economic values are also an important part of this program. Many States have made economic values an important part of their program in their Assessment of Need. This is in line with the Legacy Law, which says forest management can occur if it does not interfere with

the reasons the lands joined the program. Some states give priority to projects where forest management does not interfere with environmental values.



One aspect of this debate is whether a conservation easement should include language prohibiting a more restrictive easement being placed on top of it. "Why would I want to restrict my options for earning money on my land," asked a potential Forest Legacy landowner. The concern by the landowner was whether he could sell a perpetual no-cut agreement on the property in the future. From a conservation easement holder perspective, the future no cut agreement could run counter to the purposes for which the easement was purchased, especially if providing wood products to the local economy was one of the reasons. The landowner and the easement holder (state) must have compatible goals because a meeting of the minds must occur before a deal can be made. In the end, the state determines what rights to acquire on each conservation easement. Further, the duty of the Forest Legacy landowner is to manage the property in a manner that is consistent with the purposes for which the land was entered in the Forest Legacy Program. Yet, the landowner cannot be required to do anything that is not in the easement. Thus, it follows that if the purpose of the easement is to provide for the continuation of traditional forest uses, barriers to allow a perpetual no-cut agreement would be appropriate.

The Forest Legacy Program policy on forever wild or forever logging easements should be one of avoidance. The full extent of our tools can accomplish either objective within the State's FLP goals. A policy should maintain the flexibility of conservation easements for protecting environmental values, as well as maintain future landowners' flexibility on the remaining rights. The program was initially designed to be compliant to each State's purposes, and to rely as much as it can on State goals to guide the deal between the easement holder (now usually the State) and the landowner.



The Forest Legacy Program was established in the 1990 Farm Bill. State and Federal partners implement the program together. Information sharing occurs many ways including this periodic update. If you would like to subscribe, please send information to: Forest Legacy, USDA Forest Service, 271 Mast Road, P.O. Box 640, Durham, NH 03824-0640.
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